Application No.   Applicant(s)   Og/724,685   REED ET AL.				
Notice of Allowability   Examiner   Rodney P. Swartz, Ph.D.   1645		Application No.	Applicant(s)	
Rodney P. Swartz, Ph.D.   1645	Notice of Allowability	09/724,685	REED ET AL.	
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address—All claims being allowable, PROSECUTION ON THE MERITS 1S (OR REMAINS) CLOSED in this application. If not included herewith for previously mailed), a Notice of Allowance (PTOL-88) or other appropriate communication with mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.  1. ☑ This communication is responsive to 21/une2004.  2. ☑ The allowed claim(s) is/are 37-41 renumbered 1-5.  3. ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)–(d) or (f).  a) ☑ All b) ☑ some* c) ☑ None of the:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  *Certified copies not received:  Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.  4. ☐ A SUBSTITUTE CATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  (a) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date		Examiner	Art Unit	
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## **DETAILED ACTION**

1. Applicants' Response to Office Action, received 21June2004, is acknowledged. Claims 42-55 have been canceled. Claim 37 has been amended.

2. Claims 37-41 are pending and under consideration.

## **Rejections Moot/Withdrawn**

- 3. The rejection of claim 55 under 35 U.S.C. 112, first paragraph, is moot in light of the cancelation of the claim.
- 4. The rejection of claim 55 under 35 U.S.C. 112, second paragraph, is moot in light of the cancelation of the claim.
- 5. The rejection of claims 37-41 under 35 U.S.C. 112, second paragraph, is withdrawn in light of the amendment of the claims.
- 6. The provisional rejection of claims 37-41 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 62-66 of copending application no. 10/193,002 is withdrawn in light of the submitted Terminal Disclaimer.
- 7. The rejection of claims 37-41 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Pat. No. 6,627,198 is withdrawn in light of the submitted Terminal Disclaimer.

## Conclusion

- 8. Claims 37-41 are allowed.
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney P. Swartz, Ph.D., Art Unit 1645, whose telephone number is (571) 272-0865. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM EST.

Art Unit: 1645

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Lynette F. Smith, can be reached on (571)272-0864.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RODNEY P SWARTZ, PH.D PRIMARY EXAMINER Art Unit 1645

December 21, 2005